

## REMARKS

Claims 1, 4 and 6 are pending in the application. In the Office Action of June 16, 2003, the Examiner made the following disposition:

- A.) Rejected claims 1 and 4 under 35 U.S.C. §103(a) as being unpatentable over *Matsufuji et al.* in view of *Kato et al.* in further view of *Beauchamp* and *Iijima et al.*
- B.) Rejected claim 6 under 35 U.S.C. §103(a) as being unpatentable over *Yasunami* in view of *Watanabe et al.*, in further view of *Iijima et al.*

Applicants respectfully traverse the rejections and address the Examiner's disposition as follows:

Applicants' claims 1 and 6 have each been amended to each claim a ratio of a weight  $W_M$  of the non-carbon material in the negative electrode material to a weight  $W_C$  of the carbon material in the negative electrode material is in a range of  $W_M/W_C \leq 1$ .

- A.) Rejection of claims 1 and 4 under 35 U.S.C. §103(a) as being unpatentable over *Matsufuji et al.* in view of *Kato et al.* in further view of *Beauchamp* and *Iijima et al.*:

Applicants respectfully disagree with the rejection.

Applicants' independent claim 1, as amended, claims a ratio of a weight  $W_M$  of a non-carbon material in a negative electrode active material to a weight  $W_C$  of a carbon material in the negative electrode active material is in a range of  $W_M/W_C \leq 1$ .

This is clearly unlike *Matsufuji et al.* in view of *Kato et al.* in further view of *Beauchamp* and *Iijima et al.* None of the cited references, taken singly or in combination, discloses or suggests Applicants' claimed ratio of material weights  $W_M/W_C \leq 1$ . Specifically, none of the cited references teaches a ratio of a weight  $W_M$  of a non-carbon material in a negative electrode active material to a weight  $W_C$  of a carbon material in the negative electrode active material that is in the range of  $W_M/W_C \leq 1$ .

Therefore, *Matsufuji et al.* in view of *Kato et al.* in further view of *Beauchamp* and *Iijima et al.* fails to disclose or suggest claim 1.

Claim 4 depends directly or indirectly from claim 1 and is therefore allowable for at least the same reasons that claim 1 is allowable.

Applicants respectfully submit the rejection has been overcome and request that it be withdrawn.

B.) Rejection of claim 6 under 35 U.S.C. §103(a) as being unpatentable over *Yasunami* in view of *Watanabe et al.*, in further view of *Iijima et al.*:

Applicants respectfully disagree with the rejection.

Applicants' independent claim 6, as amended, claims a ratio of a weight  $W_M$  of a non-carbon material in a negative electrode active material to a weight  $W_C$  of a carbon material in the negative electrode active material is in a range of  $W_M/W_C \leq 1$ .

This is clearly unlike *Yasunami et al.* in view of *Watanabe et al.* in further view of *Iijima et al.* None of the cited references, taken singly or in combination, discloses or suggests Applicants' claimed ratio of material weights  $W_M/W_C \leq 1$ . Specifically, none of the cited references teaches a ratio of a weight  $W_M$  of a non-carbon material in a negative electrode active material to a weight  $W_C$  of a carbon material in the negative electrode active material that is in the range of  $W_M/W_C \leq 1$ .

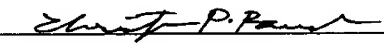
Therefore, *Yasunami et al.* in view of *Watanabe et al.* in further view of *Iijima et al.* fails to disclose or suggest claim 6.

Applicants respectfully submit the rejection has been overcome and request that it be withdrawn.

### CONCLUSION

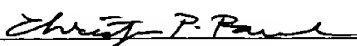
In view of the foregoing, it is submitted that claims 1, 4, and 6 are patentable. It is therefore submitted that the application is in condition for allowance. Notice to that effect is respectfully requested.

Respectfully submitted,

 (Reg. No. 45,034)  
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CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited as First Class Mail in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on November 17, 2003.

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